

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# **HOUSE BILL 2325**

## **AN ACT**

AMENDING SECTIONS 32-3253, 32-3272, 32-3274 AND 32-3321, ARIZONA REVISED STATUTES; REPEALING LAWS 2006, CHAPTER 291, SECTION 5; RELATING TO THE BOARD OF BEHAVIORAL HEALTH EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 32-3253, Arizona Revised Statutes, is amended to  
3 read:  
4           32-3253. Powers and duties  
5       A. The board shall:  
6           1. Adopt rules consistent with and necessary or proper to carry out  
7 the purposes of this chapter.  
8           2. Administer and enforce this chapter, rules adopted pursuant to this  
9 chapter and orders of the board.  
10          3. Issue a license by examination, reciprocity or temporary  
11 recognition to, and renew the license of, each person who is qualified to be  
12 licensed pursuant to this chapter. The board must issue or deny a license  
13 within one hundred eighty days after the applicant submits a completed  
14 application.  
15          4. Establish a licensure fee schedule annually, by a formal vote at a  
16 regular board meeting.  
17           5. Collect fees and spend monies.  
18          6. Keep a record of all persons licensed pursuant to this chapter,  
19 actions taken on all applications for licensure, actions involving renewal,  
20 suspension, revocation or denial of a license or probation of licensees and  
21 the receipt and disbursal of monies.  
22          7. Adopt an official seal for attestation of licensure and other  
23 official papers and documents.  
24           8. Employ temporary or permanent personnel as it deems necessary.  
25          9. Conduct investigations and determine on its own motion if a  
26 licensee or an applicant has engaged in unprofessional conduct, is  
27 incompetent or is mentally or physically unable to engage in the practice of  
28 behavioral health.  
29          10. Conduct disciplinary actions pursuant to this chapter and board  
30 rules.  
31          11. Establish and enforce standards or criteria of programs or other  
32 mechanisms to ensure the continuing competence of licensees.  
33          12. Establish and enforce compliance with professional standards and  
34 rules of conduct for licensees.  
35          13. Engage in a full exchange of information with the licensing and  
36 disciplinary boards and professional associations for behavioral health  
37 professionals in this state and other jurisdictions.  
38          14. SUBJECT TO SECTION 35-149, ACCEPT, EXPEND AND ACCOUNT FOR GIFTS,  
39 GRANTS, DEVISES AND OTHER CONTRIBUTIONS, MONEY OR PROPERTY FROM ANY PUBLIC OR  
40 PRIVATE SOURCE, INCLUDING THE FEDERAL GOVERNMENT. MONIES RECEIVED UNDER THIS  
41 PARAGRAPH SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN  
42 SPECIAL FUNDS FOR THE PURPOSE SPECIFIED, WHICH ARE EXEMPT FROM SECTION 35-190  
43 RELATING TO LAPSLING OF APPROPRIATIONS.  
44       B. The board may join professional organizations and associations  
45 organized exclusively to promote the improvement of the standards of the

1 practice of behavioral health, protect the health and welfare of the public  
2 or assist and facilitate the work of the board.

3 C. THE BOARD MAY ESTABLISH A CONFIDENTIAL PROGRAM FOR THE MONITORING  
4 OF LICENSEES WHO ARE CHEMICALLY DEPENDENT AND WHO ENROLL IN A REHABILITATION  
5 PROGRAM THAT MEETS THE CRITERIA PRESCRIBED BY THE BOARD. THE BOARD MAY TAKE  
6 FURTHER ACTION IF A LICENSEE REFUSES TO ENTER INTO A STIPULATED AGREEMENT OR  
7 FAILS TO COMPLY WITH THE TERMS OF A STIPULATED AGREEMENT. IN ORDER TO  
8 PROTECT THE PUBLIC HEALTH AND SAFETY, THE CONFIDENTIALITY REQUIREMENTS OF  
9 THIS SUBSECTION DO NOT APPLY IF A LICENSEE DOES NOT COMPLY WITH THE  
10 STIPULATED AGREEMENT.

11 Sec. 2. Section 32-3272, Arizona Revised Statutes, is amended to read:  
12 32-3272. Fees

13 A. The board shall establish and charge reasonable fees of not to  
14 exceed ~~two hundred fifty~~ FIVE HUNDRED dollars for issuance and renewal of a  
15 license issued pursuant to this chapter.

16 B. The board shall establish fees to produce monies that approximate  
17 the cost of maintaining the board and the credentialing committees.

18 Sec. 3. Section 32-3274, Arizona Revised Statutes, is amended  
19 effective from and after August 31, 2009, to read:

20 32-3274. Reciprocity

21 A. The board may issue a RECIPROCAL license to a person in that  
22 person's particular behavioral health profession if the person is licensed or  
23 certified by another state regulatory agency at an equivalent or higher  
24 practice level as determined by the board, pays the fee prescribed by the  
25 board and meets all of the following requirements:

26 1. ~~Submits a written application prescribed by the board.~~  
27 2. ~~Is of good moral character. The board's standard to determine good~~  
28 ~~moral character shall not violate federal discrimination laws.~~  
29 3. ~~Documents to the board's satisfaction proof of initial licensure or~~  
30 ~~certification at an equivalent designation for which the applicant is seeking~~  
31 ~~licensure in this state and proof that the license or certificate is current~~  
32 ~~and in good standing.~~

33 4. ~~Documents to the board's satisfaction proof that any other license~~  
34 ~~or certificate issued to the applicant by another state has not been~~  
35 ~~suspended or revoked. If a licensee or certificate holder has been subjected~~  
36 ~~to any other disciplinary action, the board may assess the magnitude of that~~  
37 ~~action and make a decision regarding reciprocity based on this assessment.~~

38 1. THE PERSON IS CURRENTLY LICENSED OR CERTIFIED IN BEHAVIORAL HEALTH  
39 BY ANOTHER STATE REGULATORY AGENCY AND THE LICENSE OR CERTIFICATION IS  
40 CURRENT AND IN GOOD STANDING.

41 2. THE PERSON HAS BEEN LICENSED OR CERTIFIED IN THE DISCIPLINE APPLIED  
42 FOR AND AT THE SAME PRACTICE LEVEL AS DETERMINED BY THE BOARD FOR A MINIMUM  
43 OF FIVE YEARS.

44 3. THE PERSON WAS ENGAGED IN THE PRACTICE OF BEHAVIORAL HEALTH IN THE  
45 STATE ISSUING THE LICENSE OR CERTIFICATION USED BY THE PERSON TO QUALIFY FOR

1 A RECIPROCAL LICENSE PURSUANT TO THIS SECTION FOR A MINIMUM OF SIX THOUSAND  
2 HOURS DURING THE FIVE YEARS PRIOR TO APPLYING FOR RECIPROCAL LICENSURE.

3 4. THERE WERE MINIMUM EDUCATION, WORK EXPERIENCE AND CLINICAL  
4 SUPERVISION REQUIREMENTS IN EFFECT AT THE TIME THE PERSON WAS LICENSED OR  
5 CERTIFIED BY THE OTHER STATE REGULATORY AGENCY AND THE LICENSING OR  
6 CERTIFYING STATE AGENCY VERIFIES THAT THE PERSON MET THOSE REQUIREMENTS IN  
7 ORDER TO BE LICENSED OR CERTIFIED IN THE OTHER STATE.

8 5. THE PERSON HAS PASSED AN EXAMINATION REQUIRED FOR THE LICENSE  
9 SOUGHT PURSUANT TO ARTICLES 5, 6, 7 OR 8 OF THIS CHAPTER.

10 6. THE PERSON MEETS THE BASIC REQUIREMENTS FOR LICENSURE PRESCRIBED BY  
11 SECTION 32-3275.

12 ~~5.~~ 7. THE PERSON meets any other requirements prescribed by the  
13 board.

14 B. A PERSON ISSUED A LICENSE PURSUANT TO THIS SECTION SHALL PRACTICE  
15 BEHAVIORAL HEALTH ONLY UNDER THE DIRECT SUPERVISION OF A LICENSEE.

16 C. A PERSON ISSUED A RECIPROCAL LICENSE PURSUANT TO THIS SECTION MAY  
17 APPLY FOR A REGULAR LICENSE IF THE PERSON MEETS ALL OF THE FOLLOWING  
18 REQUIREMENTS:

19 1. THE PERSON HAS COMPLETED A MINIMUM OF ONE THOUSAND SIX HUNDRED  
20 HOURS OF SUPERVISED WORK EXPERIENCE IN THE PRACTICE OF BEHAVIORAL HEALTH IN  
21 ARIZONA IN AT LEAST TWELVE MONTHS AFTER ISSUANCE OF THE RECIPROCAL LICENSE.

22 2. DURING THE SUPERVISED WORK EXPERIENCE PERIOD REQUIRED IN  
23 PARAGRAPH 1 OF THIS SUBSECTION, THE PERSON RECEIVES AT LEAST FIFTY HOURS OF  
24 QUALIFYING CLINICAL SUPERVISION AS DETERMINED BY THE BOARD.

25 3. THE PERSON DEMONSTRATES COMPETENCY TO PRACTICE BEHAVIORAL HEALTH AS  
26 DETERMINED BY THE BOARD.

27 D. THE BOARD BY RULE MAY PRESCRIBE A PROCEDURE TO ISSUE LICENSES  
28 PURSUANT TO THIS SECTION.

29 Sec. 4. Section 32-3321, Arizona Revised Statutes, is amended to read:

30 32-3321. Licensed substance abuse technician; licensed  
31 associate substance abuse counselor; licensed  
32 independent substance abuse counselor; licensure;  
33 qualifications; supervision

34 A. A person who wishes to be licensed by the board to engage in the  
35 practice of substance abuse counseling as a licensed substance abuse  
36 technician shall present evidence satisfactory to the board that the person  
37 has:

38 1. Received **ONE OF THE FOLLOWING:**

39 (a) An associate of applied science degree in chemical dependency with  
40 an emphasis on counseling, as determined by the substance abuse credentialing  
41 committee, from a regionally accredited college or university.

42 (b) BEGINNING JANUARY 1, 2009, A BACHELOR'S DEGREE IN A BEHAVIORAL  
43 SCIENCE WITH AN EMPHASIS ON COUNSELING, AS DETERMINED BY THE SUBSTANCE ABUSE  
44 CREDENTIALING COMMITTEE, FROM A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY.

1        2. Passed an examination approved by the substance abuse credentialing  
2 committee.

3        B. A licensed substance abuse technician shall only practice under  
4 direct supervision as prescribed by the board.

5        C. The board may waive the education requirement for an applicant  
6 requesting licensure as a substance abuse technician if the applicant  
7 provides services pursuant to contracts or grants with the federal government  
8 under the authority of ~~P.L.~~ PUBLIC LAW 93-638,~~—~~ (25 United States Code  
9 sections 450 through 450(n)) or ~~P.L.~~ PUBLIC LAW 94-437,~~—~~ (25 United States  
10 Code sections 1601 through 1683). A person who becomes licensed as a  
11 substance abuse technician pursuant to this subsection shall only provide  
12 substance abuse services to those PERSONS WHO ARE eligible for services  
13 pursuant to ~~P.L.~~ PUBLIC LAW 93-638,~~—~~ (25 United States Code sections 450  
14 through 450(n)) or ~~P.L.~~ PUBLIC LAW 94-437,~~—~~ (25 United States Code section  
15 1601 through 1683).

16      D. A person who wishes to be licensed by the board to engage in the  
17 practice of substance abuse counseling as a licensed associate substance  
18 abuse counselor shall present evidence satisfactory to the board that the  
19 person has:

20        1. Received one of the following:

21            (a) A bachelor's degree in a behavioral science with an emphasis on  
22 counseling, as determined by the substance abuse credentialing committee,  
23 from a regionally accredited college or university and present evidence  
24 satisfactory to that credentialing committee that the applicant has received  
25 at least two years of work experience in substance abuse counseling under  
26 supervision approved by the substance abuse credentialing committee.

27            (b) A master's degree or a higher degree in a behavioral science with  
28 an emphasis on counseling, as determined by the substance abuse credentialing  
29 committee, from a regionally accredited college or university.

30        2. Passed an examination approved by the substance abuse credentialing  
31 committee.

32        E. A licensed associate substance abuse counselor shall only practice  
33 under direct supervision as prescribed by the board.

34        F. A person who wishes to be licensed by the board to engage in the  
35 practice of substance abuse counseling as a licensed independent substance  
36 abuse counselor shall:

37            1. Have received a master's degree or higher degree in a behavioral  
38 science with an emphasis on counseling, as determined by the substance abuse  
39 credentialing committee, from a regionally accredited college or university.

40            2. Present evidence satisfactory to the substance abuse credentialing  
41 committee that the applicant has received at least two years of work  
42 experience in substance abuse counseling under supervision approved by that  
43 committee.

44            3. Pass an examination approved by the substance abuse credentialing  
45 committee.

1       Sec. 5. Repeal

2       Laws 2006, chapter 291, section 5 is repealed.

3       Sec. 6. Exemption from rule making

4       For the purposes of this act, the board of behavioral health examiners  
5       is exempt from the rule making requirements of title 41, chapter 6, Arizona  
6       Revised Statutes, for two years after the effective date of this act.

7       Sec. 7. Requirements for enactment; two-thirds vote

8       Pursuant to article IX, section 22, Constitution of Arizona, this act  
9       is effective only on the affirmative vote of at least two-thirds of the  
10      members of each house of the legislature and is effective immediately on the  
11      signature of the governor or, if the governor vetoes this act, on the  
12      subsequent affirmative vote of at least three-fourths of the members of each  
13      house of the legislature.